

**City of Somerville, Massachusetts
Matters of business of the Board of Aldermen**

MINUTES OF THE SPECIAL MEETING

June 3, 2004, 8:00 PM
Aldermanic Chambers

***NOTICE:** This is NOT the official version of the Board of Aldermen's minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the City Clerk.*

PRESENT for all or part of the meeting: President Denise Provost, Vice President Bruce M. Desmond, Aldermen Dennis M. Sullivan, William A. White Jr., William M. Roche, Maryann M. Heuston, Walter F. Pero, Sean T. O'Donovan, John M. Connolly, Robert C. Trane.

OPENING OF THE MEETING

- | | | |
|----|-------------------|----------------|
| 1. | Call of the Roll. | 176755 |
| | | Placed on File |

PUBLIC HEARINGS

None

**ORDERS, ORDINANCES, RESOLUTIONS
AND MOTIONS OF MEMBERS**

None

UNFINISHED BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

- | | | | |
|----|-----------------|---|--------------------------------------|
| 2. | Mayor's Request | Requesting approval of the FY 2005 Municipal Budget General Fund of \$136,627,636. | 176756
Finance |
| 3. | Mayor's Request | Requesting that this Board move to Executive Session to discuss two matters of pending collective bargaining or litigation. | 176757
Approved
No votes taken |

REPORTS OF COMMITTEES

None

COMMUNICATIONS FROM CITY OFFICERS

None

NEW BUSINESS

None

ITEMS RECEIVED AFTER 2:00 PM

- | | | | |
|----|------------------|--|--------------------------|
| 4. | Comm. | Communication from Attorney Mark Stern advising of a complaint filed with the Middlesex DA re: School custodians and the open meeting law. | 176758
Placed on File |
| 5. | Mayor's
Comm. | Announcing the dedication of Hansen Memorial Park in Magoun Square on June 14, 2004, between 10 AM and Noon, followed by a reception in the Aldermanic Chambers. | 176759
Placed on File |

This Special Meeting of the Board of Aldermen was not videotaped, but was audiotaped. This narrative will serve as a record of the discussions of the meeting in the case of unclarity in the audiotape.

The meeting was called to order at about 8:10 PM. The first item was the call of the roll: 10 Aldermen were present, and Alderman Taylor was absent. The second item was the FY05 Budget. Alderman White asked Mayor Curtatone if he had a presentation to make in support of the budget; the Mayor simply asked that it be approved. The budget was then referred to the Finance Committee at the request of Alderman White. The third item was the request to move to Executive Session. Alderman Trane asked for information about a letter distributed to the Board by Alderman Provost (included as Agenda Item #4), from Attorney Mark Stern about the legality of Executive Sessions to discuss the status of school custodians. Alderman Connolly sponsored City Solicitor Gannon to discuss this matter. The City Solicitor expressed his opinion that the Open Meeting Law allowed Executive Session discussion of matters related to collective bargaining. Upon questioning, he continued that the Executive Session could occur even if there was not currently a collective bargaining contract with the city in place. Alderman White noted that the letter indicated that Attorney Stern would be present at the meeting, and asked him to come forward, but Attorney Stern did not seem to be present. Alderman White then asked the City Solicitor to clearly restate his opinion, and Mr. Gannon stated that in his opinion, the Executive Session requested by the Mayor was proper and legal within the terms of the Open Meeting Law. Alderman Trane then made a motion that the Board move to Executive Session, and on a 9 to 1 vote, with 1 abstention (Alderman Provost opposed, Alderman Taylor absent), the Board moved to Executive Session, at about 8:20 PM. The Board reconvened at about 10:10 PM, and Alderman Provost announced that no votes had been taken in Executive Session. The Board then formally heard Agenda Items #4 and #5, and placed both items on file. The meeting adjourned at about 10:15 PM.

Submitted by John J. Long, City Clerk